

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CHRISTOPHER IRIZARRY,

Plaintiff,

DECLARATION

-against-

10-CV-1022

S. CORKNARD; ROBERT DAVIES III; DIXON;
FERNANDEZ; K. GIORGIANNI; STEVEN GRIMALDI;
MARK HARRIS; J. PLIENS; SGT. ROACH; JASON T.
YUNG,

MAD/DRH

Defendants.

Steven Grimaldi, on the date noted below and pursuant to §1746 of title 28 of the United States Code, declares the following to be true and correct under penalty of perjury under the laws of the United States of America:

1. I am employed by the New York State Department of Correctional and Community Supervision ("DOCCS") as a correctional officer at Great Meadow Correctional Facility.
2. I am a defendant in the above-captioned action and submit this declaration in support of defendants' motion for summary judgment.
3. At no time on July 26, 2009 did Sergeant Yung, or any other defendant, instruct, direct, ask or tell me to use any force against the plaintiff or otherwise take any action against the plaintiff in any way.

4. The force that I used against the plaintiff on July 26, 2009, as truthfully documented in my memoranda included in the Use of Force packet annexed to the Affirmation of Adrienne J. Kerwin at Exhibit B and in the grievance packets annexed to the Affirmation of Adrienne J. Kerwin at Exhibit C, was used only to defend myself from being assaulted by the plaintiff and was in no way related to any incident or activity between the plaintiff and Sergeant Yung earlier that day.

Dated: February 16, 2012
Comstock, New York

s/ Steven Grimaldi

Steven Grimaldi